From: Wendy Krieger
To: Microsoft ATR
Date: 1/25/02 6:57am
Subject: Microsoft Settlement

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Dear Sir or Madam

I have read the Microsoft Judgement, and found it excludes areas where Microsoft has been anti-competitive, but the matters not brought to trial on this. I therefore offer my comments on this matter.

Wendy Krieger

Comment on the Revised Final Judgements.

I read the final judgement, and I see a series of loopholes. The restrictions apply mainly to OEM distributions, and not retail versions. This allows Microsoft scope to engage in anti-competitive behaviour in the upgrade market and server side.

Microsoft should be compelled to undo the damage done to competition. What is offered here is additional items designed to have Microsoft fix up the disadvantage of its acts, in much the same way that AT&T had to replace the telephone fittings to a more open standard.

I Undoing the Damage to Clients.

The conditions affect only copies distributed by way of OEM sales to the largest vendors. It does not prevent the same sort of behaviour against upgrade copies.

For example, Windows 2000 upgrade prevents the dual booting of it and any non-Microsoft operating system. In order to overcome this, one must apply a 100 MB service pack 2, and take into effect all of the other "features" that comes with it.

Microsoft should be compelled to manufacture, and distribute at nominal costs, a fix for every affected operating system (ie Windows 95 OS/R2.x, 98, 98SE, ME, 2000 and XP), a patch that undoes the following anti-competitive elements:

      a: Any commingled browser, or other Microsoft Middleware.

      b: Any code that prevents or damages on each boot, any non-Microsoft boot-loader

      c: Any code or instructions that detect non-Microsoft drivers from loading.

The computer shall be able to boot and function in such capability. [This gets around the functionality of removing core code that is required to function with both the browser and the operating system.]

It shall also distribute, on the same media, installable versions of its own middleware, and installable versions of competing middleware, as provided by the manufactures.

      a: Alternate versions are to be provided to facilitate the capabilities of different machines. This prevents a version of IE being distributed that requires a certian version of Windows to be installed.

Microsoft shall, in its browsers, reinstate and facilitate, any interface and streaming to non-Microsoft clients, such as:

      a: The Netscape plug-in interface, introduced in IE 3, and later withdrawn: See the Apple deposition in the Antitrust trial.

      b: Streaming of data to non-Microsoft middleware. This allows a partially down-loaded file to be displayed in the client window. If the file is not streamed, the complete file must be downloaded before it is passed to the middleware to display.

The cost of distributing this media shall be borne by Microsoft, and shall be made freely available at any outlet that sells or distributes any Microsoft software.

Where Microsoft's actions are set to harm or provide confusion, then Microsoft's shall act to undo the damage of its invasion. For example, partitions formatted as HPFS or NTFS present themselves to any utility as being the same type. Software that scans hardware looking for errors will present the HPFS partition as being corrupt, and offer to "correct" it. This will damage the data in the partition. Microsoft was aware of this, since Windows NT 3 and Windows NT 4 support the partition. The NTFS is therefore "intrusive" onto ground already established as identifying as a HPFS partition. Since HPFS has a pre-existing claim, it is Microsoft's fault for intruding onto its space, and Microsoft's costs to repair it.

Microsoft shall continue to offer for sale, at a discount rate, older versions of its operating systems. This prevents it forcing changes on the market-place. All versions of operating systems offered shall contain the patch cdrom as described above.

Microsoft shall make available, at nominal costs at retail outlets, compact disks that contain patches for its various operating systems. This saves people having to download 100MB files over faulty connections at great expense. [Windows 2000 SP 2 is not available except by download. At 100MB, this takes a very long time to download. There is no reason why a OS patch disk should not be available where the operating systems are sold.]

II. Undoing the damage on the server side.

This is aimed at removing restrictions to the use of non-Microsoft browsers on the web, and aimed at making the internet accessable to alternate browsers and other middleware.

For the purpose of this section, "non-Microsoft middleware" carries the connetation that it must be technically able to do the task. It also includes older versions of Microsoft middleware, that do not have the latest code that provides artificial restrictions.

The access to the services for a user to administer his or her account shall not be restricted to one operating system or browser. Ideally, this should be accomplished through actions on the server side. Much other electric commerce is independant of this restriction. At the minimum, the ISV should be able to redistribute a html document that contains links to essential services, that it may be accessed through any browser off any operating system.

Microsoft shall not restrict access to any of its internet networks or services to technically capable non-Microsoft clients. One should be able to enter a chat room from a non-Microsoft chat client, have mail from one's Hotmail account forwarded to a capable non-Microsoft client. [You can do this to Outlook and Outlook Express, but not with the rivals like Endora].

Where Microsoft provides an enhancement or change to its service, it shall continue to provide access to the services using the standard interfaces.

Microsoft shall assist, at its expense, alterations to be made to sites that prevent access by non-Microsoft browsers and middleware.

For the purpose of law, any site that is not accessable with non-Microsoft middleware and browsers, on a non-Microsoft operating system, is deemed to be "unaccessable", and therefore not in compliance with any stated requirement to be "accessable from the internet". This will encourage other parties to dismantle their "Microsoft Only" networks.

III. Network Communications and Clients.

Microsoft shall not interfere with, and provide support for, standard
network protocols, to the extent that any version of Windows may interact
with a machine loaded with a different operating system, whether Microsoft
or not. This is aimed at the embrace and extinguish practices of Microsoft.

This condition is not intended to interfere with the development of
specialist network interfaces, it is more intended to allow any operating
system, out of the box, to participate in a network using standard
protocols. For example, video adapters, in addition to the manufaturer's
specialist interfaces, can operate in VGA mode.

IV. Altered Standards and confusing names

Microsoft shall recognise and respect pre-existing standards. Where it
modifies a standard, or implements it in a way that will cause confusion and
incompatibilities with the pre-existing standard, then Microsoft shall use a
different identifier and name (while acknowledging the Intellectual property
of the base remains with its original owners).

This is intended to overcome the use of names that are likely to confuse:
OS/R2 [Curiosly, Only Windows 95 was described in this manner: OS/2 was a
serious competitor. Windows 98 and later was not described like this.], J++
and MS Java (the differences between this and Sun's version has been tested
in court), NTFS and HPFS (Microsoft modified HPFS to such an extent that the
NTFS driver can not read HPFS and HPFS can not read NTFS: but they are
idnetified as the same partition type, correspondingly, each think the other
is corrupt.]

V.   Microsoft Hardware.

Microsoft shall provide with its hardware, drivers and software to allow the
use of its hardware under a non-Microsoft operating system. Such software
shall not be any more intrusive or interfering than any other complatible
non-Microsoft driver, or the Microsoft driver on a Microsoft software.

[This condition prevents Microsoft Mouse for OS/2 advertising Windows, or
displaying a splash screen with a five second delay].

VI. Compliance

Microsoft will be required to comply with these terms, under the same management as the judgement already entered.

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